

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

THOMAS L. PYBURN,

Plaintiff,

v.

BRENDA DURHAM,

Defendant.

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CIVIL ACTION NO. 5:13-CV-2 (MTT)

ORDER

This matter is before the Court on the Plaintiff's motion for reconsideration. (Doc. 38). Pursuant to Local Rule 7.6, "Motions for Reconsideration shall not be filed as a matter of routine practice." M.D. Ga. L.R. 7.6. "Reconsideration is appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made a clear error of law." *Bingham v. Nelson*, 2010 WL 339806, at *1 (M.D. Ga.) (internal quotation marks and citation omitted). "In order to demonstrate clear error, the party moving for reconsideration *must do more than simply restate his prior arguments*, and any arguments which the party inadvertently failed to raise earlier are deemed waived." *McCoy v. Macon Water Auth.*, 966 F.Supp. 1209, 1223 (M.D. Ga. 1997) (emphasis added).

Here, the Plaintiff has not met his burden. He has alleged no intervening change in the law, has presented no new evidence not previously available to the parties, and the Court is not persuaded its previous ruling was clearly erroneous. The Plaintiff primarily restates his previously raised arguments. The Plaintiff also argues the Court

erred in its Order when it ruled that no claim for injunctive relief against the Defendant appeared in the Plaintiff's complaint because the Court should have construed his request to be released from the Department of Corrections and returned to society as a claim for injunctive relief. However, this is not an appropriate claim for injunctive relief pursuant to 42 U.S.C. § 1983. Accordingly, the Plaintiff's motion for reconsideration is **DENIED.**

SO ORDERED, this the 3rd day of January, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT